S T A T E  O F  N E W  Y O R K

5446

2009-2010 Regular Sessions

I N  A S S E M B L Y

February 13, 2009

Introduced by M. of A. McKEVITT, WALKER, FINCH, ALFANO, McDONOUGH, GIGLIO, KOLB -- Multi-Sponsored by -- M. of A. BACALLES, BARRA, CROUCH, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to imposing an additional term of imprisonment for the sale of a controlled substance or marihuana to a person under the age of sixteen and for committing a felony while possessing a loaded firearm

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The penal law is amended by adding a new section 70.16 to read as follows:

S 70.16 ADDITIONAL TERM OF IMPRISONMENT FOR SALE OF CONTROLLED SUBSTANCES OR MARIHUANA TO A PERSON UNDER THE AGE OF SIXTEEN OR COMMITTING A FELONY WHILE IN POSSESSION OF A LOADED FIREARM, SHOTGUN, RIFLE OR MACHINE-GUN.

NOTWITHSTANDING THE PROVISIONS OF SECTION 70.25 OF THIS ARTICLE, ANY PERSON WHO IS FOUND GUILTY OF OR PLEADS GUILTY TO CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIFTH DEGREE AS DEFINED IN SECTION 220.31 OF THIS CHAPTER, CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FOURTH DEGREE AS DEFINED IN SECTION 220.34 OF THIS CHAPTER, CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE AS DEFINED IN SECTION 220.39 OF THIS CHAPTER, CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE AS DEFINED IN SECTION 220.41 OF THIS CHAPTER, CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE AS DEFINED IN SECTION 220.43 OF THIS CHAPTER, CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN OR NEAR SCHOOL GROUNDS AS DEFINED IN SECTION 220.44 OF THIS CHAPTER, CRIMINAL SALE OF MARIHUANA IN THE THIRD DEGREE AS DEFINED IN SECTION 221.45 OF THIS CHAPTER, CRIMINAL SALE OF MARIHUANA IN THE SECOND DEGREE AS DEFINED IN SECTION 221.50 OF THIS CHAPTER, OR CRIMINAL SALE OF MARIHUANA IN THE FIRST DEGREE AS DEFINED IN SECTION 221.55 OF THIS CHAPTER TO A PERSON UNDER THE AGE OF SIXTEEN OR IS FOUND GUILTY OF OR PLEADS GUILTY TO ANY

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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OFFENSE WHICH IS A FELONY AND SUCH PERSON POSSESSED A LOADED FIREARM, SHOTGUN, RIFLE OR MACHINE-GUN, AS DEFINED IN SECTION 265.00 OF THIS CHAPTER, WHILE COMMITTING SUCH FELONY, SHALL IN THE INTEREST OF JUSTICE AND, IN ADDITION TO THE PENALTY PRESCRIBED BY ANY OTHER PROVISION OF LAW, BE SENTENCED TO AN ADDITIONAL TERM OF IMPRISONMENT OF FIVE YEARS, SUCH TERM TO RUN CONSECUTIVELY WITH RESPECT TO ANY OTHER TERM THAT MAY BE IMPOSED BY THE COURT.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.